

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

KACEY SCHULER,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
BERMAN & RABIN, P.A.,)	
)	
Defendant,)	

DEFENDANT BERMAN & RABIN, P.A.'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF MISSOURI:

Defendant removes this action to the United States District Court for the Eastern District
of Missouri, pursuant to 28 U.S.C. §§ 1441 and 1446(a). This Court has jurisdiction over this
matter pursuant to 28 U.S.C. §§ 1331 and 1367.

A. Introduction

1. Plaintiff is Kacey Schuler ("Schuler").
2. Defendant is Berman & Rabin, P.A. ("B&R").
3. This case was initially filed on or about April 21, 2021 in the 21st Judicial Circuit
Court, St. Louis County, Missouri, as Case Number 21SL-CC01795.
4. Schuler seeks damages for alleged violations of the Fair Debt Collection Practices
Act (FDCPA). A copy of Plaintiffs' Summons and Petition is attached as Exhibit
A.

5. B&R was served with the lawsuit on or about April 30th, 2021.¹
6. B&R files this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b).

B. Basis for Removal

7. Removal is proper because Schuler's Petition involves a federal question. 15 U.S.C. §§ 1692 et seq.; *Long v. Bando Mfg. of Am., Inc.*, 201 F.3d 754, 757-58 (6th Cir. 2000); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996).
8. Schuler's Petition contains a claim against B&R arising under 15 U.S.C. §§ 1692, et seq., for alleged violation of the FDCA. This Court has federal subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).
9. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).
10. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place where the removed action has been pending.
11. B&R will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending and serve a copy of this Notice on counsel for Schuler.

C. Jury Demand

12. Schuler did not demand a jury trial in her Petition.

¹ Although the St. Louis Circuit Court's Docketing system contains an erroneous text entry suggesting that service was obtained on April 26, 2021, the Affidavit of Service clearly states that service was obtained on April 30, 2021.

D. Conclusion

13. B&R hereby removes this action to the United States District Court for the Eastern District of Missouri.

This the 1st day of June, 2021.

Respectfully Submitted,

/s/



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Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, via U.S. mail, first class postage prepaid, this 1st day of June, 2021, to:

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